

September 10, 2007

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VIA HAND DELIVERY AND ELECTRONIC MAIL

District of Columbia Zoning Commission
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 06-34
Comstock East Capitol, L.L.C.
Final Action Consideration – September 10, 2007

Dear Members of the Zoning Commission:

This letter is submitted on behalf of Comstock East Capitol, L.L.C. ("Applicant") in response to the Supplemental Report submitted to the Zoning Commission from the District of Columbia Department of Transportation ("DDOT"), dated September 7, 2007. Given that the above-referenced application is scheduled for final action consideration by the Zoning Commission at its public meeting tonight, the Applicant respectfully requests that the Commission accept into the record the Applicant's response to the issues raised in the DDOT Supplemental Report.

As set forth in its Supplemental Report, DDOT now recommends that the Applicant assume sole responsibility for full reconstruction of the public alley in Square 1096. In the Supplemental Report, DDOT also recommends that the Applicant undertake certain additional alley lighting improvements. As noted in the history of discussions between the Applicant and DDOT (detailed at Attachment A), these recommendations are new and not entirely consistent with past discussions between the Applicant and DDOT.

While the Applicant has already confirmed to DDOT its agreement to undertake the additional alley lighting work identified in the Supplemental Report, the Applicant continues to believe that its proposal to patch and resurface the public alley is a tangible and appropriate benefit for stakeholders in Square 1096 and the surrounding community. Nonetheless, owing to certain financial obligations of the Applicant and a desire to receive final approval for the application at tonight's meeting and to not add further delay to a lengthy process, the Applicant is willing to accept the alley surface reconstruction recommendation set forth in the Supplemental Report if the Zoning Commission determines that such additional obligation is appropriate and takes final action to approve the application at its September 10 public meeting.

Thank you for your consideration of these additional materials. We look forward to your favorable action.

Sincerely,
HOLLAND & KNIGHT LLP


Dennis R. Hughes

ZONING COMMISSION
District of Columbia
District of Columbia
CASE NO. 06-34
EXHIBIT NO. 58

Enclosures

**cc: Advisory Neighborhood Commission 6B
Advisory Neighborhood Commission 6A
DC Office of Planning**

ATTACHMENT A

**Zoning Commission Case #06-34
Application of Comstock East Capitol, L.L.C.**

Timeline of Discussions Between Applicant and DDOT

<u>DATE</u>	<u>ACTION</u>
February 20, 2007	Meeting between representatives of Applicant and DDOT – -Discussion re: recirculation of traffic in alley to one-way traffic; -Discussion re: proposed surface patching and repaving of alley/ confirmation by DDOT that methods proposed in common use throughout District
July 23, 2007	Following to Zoning Commission request, Applicant submits letter of confirmation to DDOT re: extent of surface patching and repair proposed to be undertaken
August 13, 2007	Electronic correspondence from DDOT to Applicant (through counsel) – - confirming that DDOT satisfied with Applicant's alley resurfacing Commitment; - requesting additional alley lighting work be undertaken by Applicant
August 22, 2007	Electronic correspondence from DDOT to Applicant (through counsel) – - indicating that DDOT-IPMA has inspected alley and recommends reconstruction over resurfacing
Aug. 22 – Sept. 5	Various telephone conferences and correspondence between Applicant (through counsel) and DDOT to confirm new findings and to determine if alley is already scheduled for reconstruction by DDOT
September 6, 2007	Electronic correspondence from DDOT to Applicant (through counsel) – - indicating DDOT's position that Applicant be solely responsible for alley reconstruction and lighting improvements
September 7, 2007	DDOT submits Supplemental Report to Zoning Commission